

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CONNIE EHICHANYA IKPOH
27007 Karns Court, Unit 2408
Canyon Country, CA 91387

27301 Dovehouse Street
Santa Clarita, CA 91387

Registered Nurse License No. 471392
Nurse Practitioner Certificate No. 16356

Respondent

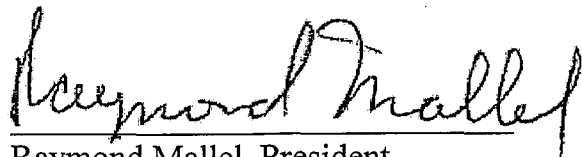
Case No. 2012-168

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **December 7, 2012.**

IT IS SO ORDERED **December 7, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
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7

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-168

12 **CONNIE EHICHANYA IKPOH**

**STIPULATED SURRENDER
OF LICENSE AND DISCIPLINARY
ORDER**

13 27007 Karns Court, Unit 2408
Canyon Country, CA 91387

14 27301 Dovehouse Street
15 Santa Clarita, CA 91387

16 **Registered Nurse License No. 471392**
17 **Nurse Practitioner Certificate No. 16356**

18 Respondent.

19 In the interest of a prompt and speedy resolution of this matter, consistent with the public
20 interest and the responsibility of the Board of Registered Nursing, Department of Consumer
21 Affairs, the parties hereby agree to the following Stipulated Surrender of License and
22 Disciplinary Order, which will be submitted to the Board of Registered Nursing for approval, and
23 adoption as the final disposition of Accusation No. 2012-168.

24 **PARTIES**

25 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board
26 of Registered Nursing, Department of Consumer Affairs. She brings this action solely in her
27 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the
28 State of California, by Armando Zambrano, Deputy Attorney General.

2. Connie Ehichanya Ikpoh ("Respondent") is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

License History

3. On or about August 31, 1991, the Board of Registered Nursing ("Board") issued Registered Nurse License Number 471392 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2013, unless renewed.

4. On or about March 14, 2006, the Board of Registered Nursing issued Nurse Practitioner Certificate Number 16356 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2013, unless renewed.

JURISDICTION

5. Accusation No. 2012-168 was filed before the Board of Registered Nursing and is currently pending against the Respondent. The accusation and all other statutorily required documents were properly served on Respondent on September 22, 2011. Respondent timely filed a notice of defense contesting the accusation. A copy of Accusation No. 2012-168 is attached as Exhibit "A" and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read and understands the charges and allegations in the Accusation No. 2012-168.

7. Respondent has carefully read and understands the effects of this Stipulated Surrender of License and Disciplinary Order.

8. Respondent is fully aware of her legal rights in this matter, including the right to have a hearing on the charges and allegations in the accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California

1 Administrative Procedure Act and other applicable laws.

2 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
3 every right set forth above.

4 **CULPABILITY**

5 10. Respondent admits the truth of each and every charge and allegation in Accusation
6 No. 2012-168.

7 11. Respondent agrees that cause exists for license discipline and hereby surrenders her
8 registered nursing license and nurse practitioner certificate for the Board's formal acceptance.

9 12. Respondent understands that by signing the stipulation she enables the Board to issue
10 an order accepting the surrender of her registered nursing license and nurse practitioner
11 certificate, without further process.

12 **CONTINGENCY**

13 13. This stipulation shall be subject to approval by the Board. Respondent understands
14 and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may
15 communicate directly with the Board regarding this stipulation and settlement, without notice to
16 or participation by Respondent. By signing the stipulation, Respondent understands and agrees
17 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the
18 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
19 Order, the Stipulated Surrender of License and Disciplinary Order shall be of no force or effect,
20 except for this paragraph, it shall be inadmissible in any legal action between the parties, and the
21 Board shall not be disqualified from further action by having considered the matter.

22 14. The parties understand and agree that facsimile copies of the Stipulated Surrender of
23 License and Disciplinary Order, including facsimile signatures thereto, shall have the same force
24 and effect as the originals.

25 15. The Stipulated Surrender of License and Disciplinary Order are intended by the
26 parties to be an integrated writing representing the complete, final, and exclusive embodiment of
27 their agreement. It supersedes any and all prior or contemporaneous agreements, understandings,
28 discussions, negotiations, and commitments (written or oral). The Stipulated Surrender of

1 License and Disciplinary Order may not be altered, amended, modified, supplemented, or
2 otherwise changed except by a writing executed by an authorized representative of each of the
3 parties.

4 16. In consideration of the foregoing admissions and stipulations, the parties agree that
5 the Board of Registered Nursing, may without further notice or formal proceeding, issue and
6 enter the following Order:

7 **ORDER**

8 IT IS HEREBY ORDERED that registered nurse license number 471392 issued to
9 Respondent is surrendered and accepted by the Board of Registered Nursing. Furthermore, nurse
10 practitioner certificate number 16356 issued to Respondent is surrendered and accepted by the
11 Board of Registered Nursing.

12 1. The surrender of Respondent's registered nurse license and nurse practitioner
13 certificate, and the acceptance of the surrendered license and certificate by the Board, shall
14 constitute the imposition of discipline against Respondent.

15 2. The stipulated surrender constitutes a record of discipline and shall become a part of
16 the Respondent's license history with the Board of Registered Nursing.

17 3. Respondent shall lose all rights and privileges as a licensed registered nurse and nurse
18 practitioner in California, as of the effective date of the Board's Decision and Order.

19 4. Respondent shall cause to be delivered to the Board her pocket license, and if one was
20 issued, her wall certificate, on or before the effective date of the Decision and Order.

21 5. If the Respondent subsequently applies for licensure or petitions for reinstatement in
22 the State of California, then the Board shall treat the application or petition as a petition for
23 reinstatement. Respondent shall comply with all laws, regulations, and procedures for
24 reinstatement of a revoked license in effect at the time when the petition is filed, and all of the
25 charges and allegations contained in Accusation No. 2012-168 shall be deemed to be true, correct,
26 and admitted by the Respondent when the Board determines whether to grant or deny the petition.

27 6. If Respondent applies for a new license or certification, or petitions for reinstatement
28 of a license, by any other healthcare licensing agency in California, then all of the charges and

1 allegations contained in Accusation No. 2012-168 shall be deemed to be true, correct, and
2 admitted by the Respondent for the purpose of any Statement of Issues or any other proceeding
3 seeking to deny or restrict licensure.

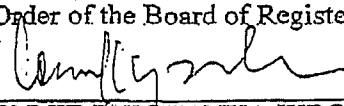
4 7. Prior to the Respondent filing an application for licensure or petition for reinstatement,
5 the Respondent shall pay the Board of Registered Nursing the sum of \$8,680.00 as the cost of the
6 investigation and enforcement of this case, pursuant to Business and Professions Code section
7 125.3.

8 8. Respondent shall not apply for licensure or petition for reinstatement for at least two
9 (2) years from the effective date of the Decision and Order.

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11 ACCEPTANCE

12 I have carefully read the Stipulated Surrender of License and Disciplinary Order, I
13 understand the stipulation and the effect it will have on my registered nurse license and nurse
14 practitioner certificate. I enter into this stipulation voluntarily, knowingly, and intelligently, and
15 agree to be bound by the Decision and Order of the Board of Registered Nursing.

16 Dated: September 7, 2012


17 CONNIE EHICHANYA IKPOH
Respondent

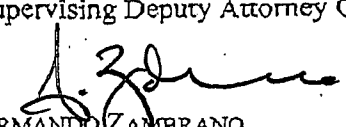
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19 ENDORSEMENT

20 The foregoing Stipulated Surrender of License and Disciplinary Order are hereby submitted
21 for consideration by the Board of Registered Nursing.

22 Dated: September 7, 2012

Respectfully Submitted,

23 KAMALA D. HARRIS
24 Attorney General of California
25 GLORIA A. BARRIOS
Supervising Deputy Attorney General

26 
27 ARMANDO ZAMBRANO
Deputy Attorney General
28 Attorney for Complainant

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Exhibit A

Accusation No. 2012-168

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 ARMANDO ZAMBRANO
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6 Facsimile: (213) 897-2804
Attorneys for Complainant
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2012-168

13 **CONNIE EHICHANYA IKPOH**

27007 Karns Court, Unit 2408
14 Canyon Country, CA 91387

A C C U S A T I O N

15 **Registered Nurse License No. 471392**
16 **Nurse Practitioner Certificate No. 16356**

Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 **License History**

25 2. On or about August 31, 1991, the Board of Registered Nursing ("Board") issued
26 Registered Nurse License Number 471392 to Connie Ehichanya Ikpoh ("Respondent"). The
27 Registered Nurse License was in full force and effect at all times relevant to the charges brought
28 herein and will expire on May 31, 2013, unless renewed.

3. On or about March 14, 2006, the Board of Registered Nursing issued Nurse Practitioner Certificate Number 16356 to Respondent Connie Ehichanya Ikpoh. The Nurse Practitioner Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2013, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board of Registered Nursing, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

5. Section 2750 of the Code provides in pertinent part:

"Every certificate holder or licensee, including licensees holding temporary licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided in this article [Article 3 of the Nursing Practice Act (Bus. & Prof. Code Section 2700 et seq.)]. As used in this article, "license" includes certificate, registration, or any other authorization to engage in practice regulated by this chapter. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code [the Administrative Procedure Act], and the board shall have all the powers granted therein."

6. Section 2764 of the Code provides:

"The lapsing or suspension of a license by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such license, or to render a decision suspending or revoking such license."

7. Section 118(b) of the Code provides, in pertinent part:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

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STATUTORY PROVISIONS

8. Section 490 of the Code provides in pertinent part:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code..."

9. Section 493 of the Code provides:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

10. Section 810 of the Code provides in pertinent part:

"(a) It shall constitute unprofessional conduct and grounds for disciplinary action, including suspension or revocation of a license or certificate, for a health care professional to do any of the following in connection with his or her professional activities:

(1) Knowingly present or cause to be presented any false or fraudulent claim for the payment of a loss under a contract of insurance.

(2) Knowingly prepare, make, or subscribe any writing, with intent to present or use the same, or to allow it to be presented or used in support of any false or fraudulent claim."

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11. Section 2761 of the Code provides in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:"

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

12. Section 2765 of the Code provides:

"A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment."

REGULATORY PROVISIONS

13. California Code of Regulations, title 16, section 1444, provides:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code."

14. California Code of Regulations, title 16, section 1445 provides in pertinent part:

"(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee."

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1 Over ninety percent (90%) of the false and fraudulent Medicare claims were for power
2 wheelchairs, which the Respondent and her co-conspirators purchased wholesale for
3 approximately \$900 each, but billed Medicare for approximately \$6,000 each. The investigation
4 and financial analysis revealed that the Respondent obtained money from the fraudulent scheme,
5 which helped pay for renovations to her home, lease a luxury vehicle, and purchase personal
6 items. In August 2011, the Respondent and several co-conspirators were convicted by a jury of
7 multiple health care fraud crimes, in the United States District Court for the Central District of
8 California. The Respondent's sentencing hearing is scheduled for November 14, 2011.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Criminal Conviction for Conspiracy to Commit Health Care Fraud)**

11 17. Respondent's Registered Nurse License is subject to discipline under Code sections
12 490 and 2761(f) for unprofessional conduct because the Respondent has been convicted of a
13 felony crime or of an offense substantially related to the qualifications, functions, and duties of a
14 registered nurse. The circumstances are as follows:

15 a. On or about August 9, 2011, in a criminal proceeding entitled *United States of*
16 *America v. Connie Ikpoh*, in the United States District Court for the Central District of California,
17 case number CR-09-1008-GHK, the Respondent was convicted by a jury of the crime of
18 Conspiracy to Commit Health Care Fraud in violation of 18 U.S.C Section 1349, a felony.

19 b. The Respondent, together with at least one other person, knowingly agreed to commit
20 health care fraud, in violation of Title 18, United States Code, Section 1347. As part of the
21 criminal conspiracy, the Respondent and at least one other person became members of the
22 conspiracy knowing of its object and intending to help accomplish it.

23 c. Complainant refers to and by this reference incorporates the allegations set forth in
24 paragraph 16, inclusive, as though set forth fully herein.

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SECOND CAUSE FOR DISCIPLINE

(Multiple Criminal Convictions for Health Care Fraud)

18. Respondent's Registered Nurse License is subject to discipline under Code sections 490 and 2761(f) for unprofessional conduct because the Respondent has been convicted of felony crimes or of offenses substantially related to the qualifications, functions, and duties of a registered nurse. The circumstances are as follows:

a. On or about August 9, 2011, in a criminal proceeding entitled *United States of America v. Connie Ikpoh*, in the United States District Court for the Central District of California, case number CR-09-1008- GHK, the Respondent was convicted by a jury of four (4) counts of Health Care Fraud in violation of 18 U.S.C Section 1347, 2(b), all felonies.

b. The Respondent knowingly and willfully participated in a scheme or plan to defraud, or a scheme or plan for obtaining money or property from a health care benefit program, namely Medicare, by submitting false and fraudulent claims to the health care program or by false or fraudulent pretenses, representations, or promises; The false and fraudulent claims or statements made or facts omitted as part of the scheme were material, that is, they had a natural tendency to influence, or were capable of influencing, a person to part with money or property; The Respondent acted with the intent to defraud; that is with the intent to deceive or cheat; The scheme was in connection with the delivery of a payment for health care benefits or health care services. The facts that led to the four criminal convictions for health care fraud are as follows:

c. On July 23, 2007, the Respondent owned and operated a durable medical equipment supply company named Horizon Medical Equipment and Supply, Inc. ("Horizon") in Los Angeles, California. Horizon submitted a Medicare claim for \$3,144.36 for multiple custom-fit orthotics, which Horizon claimed it supplied on July 19, 2007, to a patient identified as "S.H." Patient "S.H" informed investigators that she never received the orthotics. This allegation is further identified as Count Six (6) in the Indictment for case number CR-09-1008- GHK, filed on September 30, 2009, in the United States District Court for the Central District of California.

d. On August 6, 2007, Horizon submitted a Medicare claim for \$2,381.56 for orthotics it claimed it supplied that same day to a patient beneficiary identified as "G.G." Patient G.G."

1 informed investigators that she never received the orthotics. This allegation is further identified
2 as Count Seven (7) in the Indictment for case number CR-09-1008- GHK, filed on September 30,
3 2009, in the United States District Court for the Central District of California.

4 e. On October 12, 2007, Horizon submitted a Medicare claim for \$3,381.16 for orthotics
5 it claimed it supplied on August 1, 2007, to a patient beneficiary identified as "S.G." The
6 criminal investigation revealed that patient "S.G." had died on February 15, 2007. This allegation
7 is further identified as Count Eight (8) in the Indictment for case number CR-09-1008-GHK, filed
8 on September 30, 2009, in the United States District Court for the Central District of California.

9 f. On February 12, 2008, Horizon submitted a Medicare claim for \$6,486.80 for a
10 power wheelchair and accessories it claimed it supplied on January 18, 2008, to a patient
11 beneficiary identified as "L.M.". Patient "L.M." resides near Fresno, CA and informed
12 investigators that she received a visit by a marketer offering power wheelchairs. Patient "L.M."
13 received the power wheelchair from Horizon but indicated that she never actually received a
14 medical evaluation from the referring physician in Los Angeles, CA. This allegation is further
15 identified as Count Nine (9) in the Indictment for case number CR-09-1008-GHK, filed on
16 September 30, 2009, in the United States District Court for the Central District of California.

17 g. Complainant refers to and by this reference incorporates the allegations set forth in
18 paragraph 16, inclusive, as though set forth fully herein.

19 THIRD CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct)

21 19. The Respondent's Registered Nurse License is subject to discipline under Code
22 sections 810(a) and 2761(a) because the Respondent committed an act of unprofessional conduct
23 by knowingly presenting or causing to be presented any false or fraudulent claim for the payment
24 of a loss under a contract of insurance or by knowingly preparing, making, or subscribing any
25 writing, with intent to present or use the same, or to allow it to be presented or used in support of
26 any false or fraudulent claim.

27 a. Complainant refers to and by this reference incorporates the allegations set forth in
28 paragraphs 16, 17, and 18 inclusive, as though set forth fully herein.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:


1. Revoking or suspending Registered Nurse License Number 471392, issued to Respondent Connie Ehichanya Ikpoh;

2. Revoking or suspending Nurse Practitioner Certificate Number 16356, issued to Respondent Connie Ehichanya Ikpoh;

3. Ordering Respondent Connie Ehichanya Ikpoh to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Taking such other and further action as deemed necessary and proper.

DATED: September 22, 2011

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
State of California
Complainant

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